

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	CHRISTOPHER WILDER,	Case No. 3:20-cv-00530-RCJ-CLB
4		ORDER
5	v.	
6	JAMES STOGNER, <i>et al.</i> ,	
7		Defendants
8		

9 **I. DISCUSSION**

10 On September 18, 2020, Plaintiff, an inmate in the custody of the Nevada
11 Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C.
12 § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff’s
13 application to proceed *in forma pauperis* is incomplete.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin
15 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil
16 action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the
17 inmate must submit all three of the following documents to the Court:

18 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this
19 Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on
20 page 3),
21 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
22 official (i.e. page 4 of this Court’s approved form), and
23 (3) a copy of the **inmate’s prison or jail trust fund account statement for the**
24 **previous six-month period.**

25 Plaintiff’s has not fully signed his application to proceed *in forma pauperis*. Plaintiff
26 must sign **both** signature lines on page 3 of his application. Accordingly, the Court denies
27 Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1) without prejudice because
28 the application is incomplete. The Court will grant Plaintiff a **one-time extension** to file

1 a fully complete application to proceed *in forma pauperis* containing all three of the
2 required documents. Plaintiff will file a fully complete application to proceed *in forma*
3 *pauperis* on or before **November 23, 2020**. Absent unusual circumstances, the Court will
4 not grant any further extensions of time. If Plaintiff does not file a fully complete
5 application to proceed *in forma pauperis* with all three required documents on or before
6 **November 23, 2020**, the Court will dismiss this case without prejudice for Plaintiff to file
7 a new case with the Court when Plaintiff is able to acquire all three of the documents
8 needed to file a fully complete application to proceed *in forma pauperis* or pays the full
9 \$400 filing fee.

10 A dismissal without prejudice means Plaintiff does not give up the right to refile the
11 case with the Court, under a new case number, when Plaintiff has all three documents
12 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff
13 may choose not to file an application to proceed *in forma pauperis* and instead pay the
14 full filing fee of \$400 on or before **November 23, 2020** to proceed with this case.

15 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court
16 will not file the complaint unless and until Plaintiff timely files a fully complete application
17 to proceed *in forma pauperis* with all three documents or pays the full \$400 filing fee.

18 **II. CONCLUSION**

19 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
20 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete
21 application to proceed *in forma pauperis* with all three documents.

22 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
23 approved form application to proceed *in forma pauperis* by an inmate, as well as the
24 document entitled information and instructions for filing an *in forma pauperis* application.

25 IT IS FURTHER ORDERED that on or before **November 23, 2020**, Plaintiff will
26 either pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and
27 the \$50 administrative fee) or file with the Court:

28 (1) a completed Application to Proceed *in Forma Pauperis* for Inmate on this

1 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
2 signatures on page 3),
3 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
4 official (i.e. page 4 of this Court's approved form), and
5 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
6 **previous six-month period.**

7 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
8 application to proceed *in forma pauperis* with all three documents or pay the full \$400
9 filing fee for a civil action on or before **November 23, 2020**, the Court will dismiss this
10 action without prejudice for Plaintiff to refile the case with the Court, under a new case
11 number, when Plaintiff has all three documents needed to file a complete application to
12 proceed *in forma pauperis* or pays the the full \$400 filing fee.

13 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
14 (ECF No.1-1) but will not file it at this time.

15 DATED: September 22, 2020.

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UNITED STATES MAGISTRATE JUDGE
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